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ABSTRACT

This report presents the results of an opinionnaire sent to leading State educational personnel in 26 States that have adopted legislation regulating teacher/school board collective negotiations. The opinionnaire gathered information concerning (1) the degree of adequacy of the legislation; (2) the respondents' indications of the most current crucial areas of teacher/school board negotiations in their States; and (3) some opinions on a number of general items of teacher/school board negotiations not restricted to the individual's own State. (Author/JF)

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SURVEY OF

TEACHER/SCHOOL BOARD

COLLECTIVE NEGOTIATIONS LEGISLATION

Report No. 21

education commission of the states

DENVER, COLORADO 80203

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COLLECTIVE NEGOTIATIONS LEGISLATION

by

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Introduction

Currently (May 1971) 27 states have enacted legislation that to a greater or lesser degree regulates the practice of teacher/school board collective negotiations, the bulk of this legislation having been enacted in the years 1968, 1969, and 1970.

Following a Steering Committee directive of June 1970, ECS attempted an opinionnaire evaluation of the existing legislation in 26* states.

Respondents

During the winter of 1970-71 the opinionnaire was sent to the individuals currently holding the following state level positions:

1. Chief state school officer
2. Executive secretary of the state NEA affiliate
3. President of the state NEA affiliate
4. Executive Secretary of the state AFT affiliate
5. President of the state AFT affiliate
6. Executive secretary of the state school board association
7. Chairman of the state house education committee
8. Chairman of the state senate education committee
9. Chairman of the state board of education

— in the following states:

Alaska, California, Connecticut, Delaware, Florida, Hawaii, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Pennsylvania, Nebraska, Nevada, New Jersey, New Hampshire, New York, North Dakota, Oregon, Rhode Island, South Dakota, Texas, Vermont, Washington and Wisconsin (26).

The opinionnaire was designed to gather information concerning:

a. the degree of adequacy of the states' legislation
b. what the respondents considered to be currently the most crucial areas of teacher/school board negotiations in their states
c. opinion on a number of general items of teacher/school board negotiations not restricted to the individual's own state.

The overall response of 73% (153 of 210) which was received was distributed among the nine groups as follows:

	Group									
	1	2	3	4	5	6	7	8	9	Total
Opinionnaires Sent	26	26	26	14	14	26	26	26	26	210
Responses Received	23	25	20	9	10	23	16	11	16	153

*The Idaho statute was enacted in the spring of 1971 after the opinionnaire was conducted.

Format of the Report

The responses to the opinionnaire are reported in three sections:

(I) a recording, by individual state, of the "Yes/No" opinion concerning the adequacy of a number of legislative provisions, (Table I)

(II) a tabulation of the "crucial areas" currently identified and ranked by the nine respondent groups, (Table II) and

(III) a "Yes/No" reporting of opinion on a number of general items of teacher/school board negotiations not restricted to the individual respondent's own state. (Table III)

Section I

In order to process the data of the responses to the opinionnaire, enacted legislation of the 26 states was classified under a limited number of headings (see COMPACT, February 1971).

Response data are presented superimposed on the entries of that classification.

The figures entered in each column of the chart represent the "Yes/No" responses to the question, "Is the current legislation of your state adequate (in the sense of being workable, efficient, producing satisfactory results) with respect to each of the following?" For a number of the legislative provisions more than one question was asked, and in these cases the separate questions are identified as a., b., or c. entries in the chart.

Whenever respondents clearly identified one or two crucial areas in their states these have been entered under the state's name in the left hand column of the chart. For states where the respondents identified a diversity of crucial areas, a "various" entry has been made on the chart.

An analysis of the "Yes/No" responses detailed in the legislation chart suggests that a number of statutory clauses are currently considered to be adequate while a number of others are the cause of great dissatisfaction.

A clear majority vote for a particular clause of the existing legislation may be taken as indicating a desirable module of legislation.

Viewed in this manner, the following conclusions may be drawn from the chart:

1. The role and position of the school principal was a matter of much dissatisfaction; this was much less so, however, in states where the legislation clearly stated that administrator and teacher may form distinct bargaining units.

2. The exclusive form of representation received almost unanimous approval.

3. Legislation that specifically listed negotiable items – in detail – was more likely to receive approval than a brief non-specific declaration of a few general areas of negotiations.

4. Legislative provisions for both negotiation impasse and grievance procedures must be spelled out – legislative clauses that contained provision for a progressive sequence of techniques such as mediation, fact finding and advisory arbitration received approval.

5. Unfair practices need to be defined and penalties for violations specified.

6. The only module of strike legislation to receive unanimous approval was the Hawaii clause which makes strikes legal under specified conditions.

7. The "Yes/No" voting on deadline dates for reaching an agreement and the final form that agreement is to take suggests the need for legislation that provides for negotiations to be completed by pre-specified dates and for the final form to be a written contract.

Section II

Respondents were asked to indicate what in their opinion were the three areas of teacher/school board collective negotiations currently the cause of greatest concern (or difficulty) in their state, and to rank them first, second, or third, the item ranked first being the most crucial. The major results of the rankings are detailed in Table 2.

Although each respondent was asked to identify the crucial areas in his own state, the responses were merged to form nine respondent group totals; this produced an overall multistate (26) profile of the most and least frequently indicated areas that warrants a number of broad generalizations.

Chief state school officers exhibited a far greater consistency in what they did not include in their ranking compared with their choices of the most crucial item. Not a single chief state school officer considered that the "teachers' right to strike" was of prime importance in his state; in fact, 21 of the 23 responding chief state school officers did not include this item in their three crucial areas. In this apparent dismissal of the "teachers' right to strike" as a crucial item the opinion of the chief state school officer was paralleled by that of the executive secretaries of school board associations, who gave this item an almost identical ranking. A very similar lack of recognition for this area was reflected in the responses of the chairman of senate education committees and the chairmen of state boards of education. The collective opinion of both the chief state school officers and the executive secretaries of school board associations places these two groups directly polar to both the NEA and AFT state executives who gave the "teachers' right to strike" foremost ranking.

Chief state school officers were very consistent in not including "the recognition of teachers as a professional group distinct from the general body of public employees and therefore requiring their own unique legislation," "the establishing of a new state agency to administer the legislation" and "the establishment of a set of negotiations deadline dates" in their rankings.

The "listing of negotiable items" was clearly an issue of great concern to both school board association secretaries and house education committee chairman; in this they were strongly supported by chief state school officers. The matter of listing negotiable items received a comparatively light emphasis by both NEA and AFT executives, perhaps reflecting an official policy that "everything and anything is open to negotiations."

The three are of "establishing a set of negotiations deadline dates," "definition of unfair practices" and "establishing a new ite agency to administer the legislation" received no significant attention from any one of the nine respondent groups.

Section III

Section III of the opinionnaire attempted to collect yes or no responses to a number of general items concerning teacher/school board collective negotiations without restricting the respondent to a consideration of the legislation of his own state. The responses detailed in Table III therefore represent the current opinion of the respondent groups in a national context.

Only one group, school board association secretaries, was clearly in favor of identifying negotiable items by legislation, whereas there was strong support, by a number of groups (chief state school officers, NEA executive secretaries, AFT officials) for leaving the issue of the identification of negotiable items a matter to be decided at the local level between teachers and school boards.

The "professional" inclination of official NEA opinion was clearly reflected in both NEA state official groups voting strongly "no" to teachers being included in legislation for public employees in general, while AFT officials voted solidly in favor of including teachers with public employees in general and against legislation specifically for teachers. Chief state school officers as a group did not show a definite preference in this matter but the remaining four groups tended towards a support for the NEA position of separate specific teacher legislation.

With the exception of NEA executive secretaries, there was no clear support for the establishing of a new state agency to administer the legislation; all the other groups favor administration of the legislation by some existing state agency.

The need for a federal minimum standard bargaining law for teachers received considerable support from the two NEA groups, some support from the AFT presidents and a solid "no" vote from all the other groups.

There was almost unanimous agreement by the nine groups that arbitration was necessary in the case of both negotiation impasse and in grievance procedures but considerable disagreement over whether or not the arbitration should be binding. Binding arbitration in the case of grievance seemed to be acceptable to all groups whereas binding arbitration in the case of negotiation impasse received but little support.

Concluding Commentary

In general the responses to the three sections of the opinionnaire seem to identify the need for enabling legislation of a highly comprehensive and detailed form covering all the aspects of teacher/school board negotiations. This apparent movement towards a highly structured form of negotiations legislation introduces a danger of its own – that negotiations between teachers and school boards will be hamstrung by the very detail of the enabling legislation to the extent that the legislation in fact becomes "restrictive." Since the early years of the 1960's it has become increasingly apparent that whether or not an individual state has or has not enacted legislation of this kind, teacher/school board negotiations will take place, agreements will be arrived at, signed, and their conditions put into practice.

"Despite the lack of enabling legislation . . . considerable bargaining between teachers' groups and board of education has occurred . . . For example, in Colorado, having no enabling statute, 82.4 percent of the instructional personnel were engaged in bargaining. Similiarly, 68.9 percent of all teachers in Arizona were bargaining with boards of education, 65.5 percent in Illinois . . . and 69.1 percent in Ohio. Thus, the absence of enabling legislation does not appear to hamper collective bargaining between teachers' groups and boards of education." (Emphasis added.)[1]

In the light of the figures above, it is doubtful that legislation should any longer be regarded as "enabling," in fact, in view of the many very extensive and comprehensive teacher/school board agreements that have been signed in the absense of statutes, future enactments might well be considered as "restrictive."

Nolte's commentary clearly suggests that far more important than "enforcing" or "enabling" legislation is the establishing and maintaining of healthy organizational relationships between teachers, administrators and school boards to the community at large. Via this avenue mutually satisfying agreements might be expected to be reached, whereas there is evidence to suggest that enactment of legislation merely sets the ground rules and framework within which the conflict or adversary relationship between teachers, administrators and school boards will be continued.

The question, therefore, arises as to what the value of a state enacting legislation regulating the process of collective negotiations might be – does such legislation improve teacher/administrator/school board relationships or cause them to deteriorate? Has its enactment truly facilitated the arriving at mutually satisfactory agreements or simply reinforced either party's readiness to say "We will do this but not that"? Has the passage of such a statute affected the educational offering of the individual school district (reallocation of resources among teachers' salaries/facilities/materials, etc., must surely cause changes in the educational outputs of the school district)? Do provisions of the statute have serious implications and consequences for legislation in other areas (particularly local fiscal matters)? In short, can the impact of enacting such legislation be evaluated?

[1] Nolte, Chester M., "Status and Scope of Collective Bargaining in Public Education," State of Knowledge Series, Number Six. The Eric Clearing House on Educational Administration, University of Oregon, Eugene, Oregon, 1970.

TABLE I

OPINION CONCERNING THE ADEQUACY OF SELECTED CLAUSES OF INDIVIDUAL STATE LEGISLATION

STATES (with crucial areas as identified by respondents)	COVERAGE	NEGOTIATING UNIT	REPRESENTATION BY	ADMINISTRATION BY	LISTING OF NEGOTIABLE ITEMS OR MANAGEMENT RIGHTS
ALASKA	All certificated employees	Superintendents excluded	Exclusive	No specific provision	Matters pertaining to employment and fulfillment of professional duties
(various)	a. Establishment of unit: 5-0* b. Position of principal: 4-1 c. Determining bargaining agent: 5-0		5-0		a. Negotiable: 3-2 b. Non-negotiable (management rights): 2-2
CALIFORNIA	All public school employees except those elected by popular vote or appointed by governor. Community college faculties are apparently included.	Any number of public school employee organizations permitted	Certificated employee council; organizations to have proportional representation	Public school employer to adopt reasonable rules and regulations	All matters relating to employment conditions and employer-employee relations; procedures relating to definition of educational objectives, course content, curricula, textbooks
(teachers' right to strike)	a. 4-4 b. 1-6 c. 4-4		6-2		a. 5-2 b. 3-4
CONNECTICUT	All certified professional employees of town and regional boards of education except superintendents, assistant superintendents and persons responsible for budget preparation, personnel relations and temporary substitutes	Separate units for administrators and non-administrators – may remain combined by mutual agreement	Exclusive	Secretary of state board of education	Salaries and other conditions of employment about which either party wishes to negotiate
(teachers' right to strike and negotiation impasse procedures)	a. 4-1 b. 2-2 c. 4-1		5-0		a. 1-4 b. 2-3
DELAWARE	Any certificated non-administrative employee, supervisory and staff personnel excluded	Public school employees as defined in the act	Exclusive	Local and state boards of education	Salaries, employee benefits, working conditions. Terms defined in act. Other matters on mutual agreement
(teachers' right to strike)	a. 8-0 b. 7-1 c. 6-2		8-0		a. 3-5 b. 3-4

*In all cases, the number on the left represents "Yes" and the number on the right represents "No."

NEGOTIATION IMPASSE PROCEDURES	GRIEVANCE PROCEDURES	UNFAIR PRACTICES, PENALTIES	STRIKE PROVISION	DEADLINE DATES FOR REACHING AGREEMENT	FINAL FORM	DATES OF ENACTMENT & (AMENDMENT), MISCELLANEOUS
Mediation: recommendations to be made public	Agreements required to contain grievance procedures	No specific provision	No specific provision	None	Final agreements to be made at public meeting	1970 A 14.20.550-610
5-0	3-1	a. Definition of unfair practice: 2-2 b. Penalty: 2-2	2-2	Definition of timetable: 5-0	2-2	
No specific provisions	Procedures for the resolution of "persistent" disagreements to be established by meeting and conferring. Provision for three-man fact finding committee	No interference, intimidation, restraint, coercion or discrimination because employees exercise their rights granted by statute	No specific provision	None specified	Not specified	Statutory obligation is to "meet and confer" 1965 (67, 68, 70) California Ed. Code Sec. 13080-13089
6-2	1-7	a. 1-7 b. 0-7	0-8	2-5	4-3	
Mediation by secretary of state board. Arbitration with nonbinding recommendations	No specific provisions	No interference with exercise of rights granted to employee by statute	Prohibited. No penalties specified	None specified. Relate negotiation meetings to budget making process	Written contract	1965 (67, 69) Connecticut PA 298 as amended by PA 811
0-5	2-2	a. 2-2 b. 2-3	1-4	1-4	5-0	
Mediation, fact finding, advisory recommendations	No specific provision	Prohibited practices listed and penalties specified	Prohibited. Penalties specified	None	Not specified	1969 Title 14, Delaware Code, Ch. 40
5-3	4-4	a. 3-4 b. 2-5	4-4	3-5	8-0	

STATES (with crucial areas as identified by respondents)	COVERAGE	NEGOTIATING UNIT	REPRESENTATION BY	ADMINISTRATION BY	LISTING OF NEGOTIABLE ITEMS OR MANAGEMENT RIGHTS
FLORIDA [School Board has authority but is not required to deal with teacher organization representatives]	In arriving at a determination of policies affecting certificated personnel, the county board may appoint or recognize existing committees composed of members of the teaching profession, as defined in the professional teachers' practices act. When such committees are involved in the consideration of policies for resolving (Of three responses received, only one answered the questions)				
HAWAII (various)	Any person employed by a public employer except elected and appointed officials and top level management personnel	Appropriate units listed. Separate supervisory and non-supervisory units	Exclusive 4-0	Hawaii Public Employment Relations Board	Wages, hours and other terms and conditions of employment. Some specific exclusions listed a. Negotiable: 4-0 b. Non-negotiable (management rights): 4-0
	a. Establishment of unit: 4-0 b. Position of principal: 3-1 c. Determining bargaining agent: 4-0				
IDAHO [Survey was completed before statute was enacted]	Professional employees (any certificated employee of a school district)	Superintendents, supervisors, principals may be excluded from the professional employee group if a negotiations agreement so specifies	Exclusive	No specific provision	Matters and conditions are specified in a negotiations agreement
KANSAS (negotiation impasse procedures)	All professional employees	Separate teacher and administrator units. State board of education to settle disputes regarding unit 2-1	Exclusive	State board of education	Terms and conditions of professional employment a. 0-3 b. 0-3
	a. 1-2 b. 1-2 c. 3-0				
MAINE (listing of negotiable items)	Any employee except superintendent, assistant superintendent, probationary, provisional, temporary, seasonal, on-call, or part time employees	Commissioner of Labor and Industry to decide appropriate unit. Permits inclusion of principals in teacher unit 7-0	Exclusive	Commissioner of Labor and Industry. Public Employees Labor Relations Board	Wages, hours, working conditions and contract grievance arbitration. Right to meet and consult on educational policies a. 4-3 b. 3-4
	a. 6-1 b. 4-3 c. 7-0				

NEGOTIATION IMPASSE PROCEDURES	GRIEVANCE PROCEDURES	UNFAIR PRACTICES, PENALTIES	STRIKE PROVISION	DEADLINE DATES FOR REACHING AGREEMENT	FINAL FORM	DATES OF ENACTMENT & (AMENDMENT), MISCELLANEOUS
problems or reaching agreements affecting certificated personnel the committee membership shall include certificated personnel representing all work levels of such instructional and administrative personnel as defined in the school code. (Although more recent legislation has been enacted, the situation in Florida is confused by a March 1970 Governor's Order banning collective bargaining by state and local employees.)						1965
Procedures may culminate in final binding arbitration by mutual agreement 4-0	Procedures culminate in final binding agreement 4-0	Prohibited practices listed a. Definition of unfair practice: 3-1 b. Penalty: 2-1	Strikes legal under specified conditions 4-0	Make every reasonable effort to conclude negotiations prior to legislative appropriation Definition of timetable: 2-0	Written contract 4-0	1970 ACT 171 SB 1969-70
Mediation, fact finding	No specific provisions	None specified	No specific provision	None specified	Not specified	1971, HB 209 "meet and confer in good faith – for the purpose of reaching agreement;" individual(s) selected to negotiate for the professional employees shall be a professional employee of the local school district
No specific provisions 0-3	Agreement may include procedures for binding arbitration 0-3	None listed a. 0-3 b. 0-3	Nothing in the act shall be construed to authorize a strike by professional employees 0-3	Notice to negotiate required by December 1 in any school year 1-2	Contract not to exceed two years 0-3	1970 HB 1647 (primarily a "meet and confer" statute)
Mediation and/or fact finding by mutual consent. Binding arbitration by agreement on salaries, pensions, insurance 6-1	Parties may enter into binding arbitration agreements on meaning or application of specific terms of the contract 6-1	Prohibited practices listed a. 6-1 b. 6-1	Prohibited. No penalties specified 3-3	Written requests to bargain required 120 days before conclusion of current fiscal operating budget 6-1	Written contract not to exceed three years 7-0	1969 Maine HP 636 LD 824

STATES (with crucial areas as identified by respondents)	COVERAGE	NEGOTIATING UNIT	REPRESENTATION BY	ADMINISTRATION BY	LISTING OF NEGOTIABLE ITEMS OR MANAGEMENT RIGHTS
MARYLAND	All certificated professional employees of public schools except superintendents and persons designated by employers as their negotiators	Determined by employer after negotiations with employee organizations; not more than two units in any school district	Exclusive	State board of education	Salaries, wages, hours and working conditions
(various)	a. Establishment of unit: 4-2 b. Position of principal: 3-3 c. Determining bargaining agent: 6-0		5-1		a. Negotiable: 4-2 b. Non-negotiable (management rights): 3-3
MASSACHUSETTS	All municipal employees including teachers, except elected officials, board and commission members, police and executive officers	State Labor Relations Commission to decide appropriateness of units	Exclusive	Board of Conciliation and Arbitration and Labor Relations Council	Wages, hours, and other conditions of employment
	a. 5-0 b. 2-3 c. 5-0		5-0		a. 2-3 b. 1-4
MICHIGAN	Any person holding a position by appointment or employment in public schools, or any other agency or branch of public service.	Labor Management Board decides on appropriate unit. Executives and supervisors excluded from unit of employees whom they supervise; former may form own unit	Exclusive	Labor Mediation Board	Wages, hours and other terms and conditions of employment
(deadline dates and teachers' right to strike)	a. 4-1 b. 1-4 c. 4-1		5-0		a. 2-3 b. 2-3
MINNESOTA	All certified employees of public schools, except superintendents	All covered employees	Proportional	No specific provision	Meet and confer in an effort to agree on economic aspects relating to terms of employment. Meet and confer to exchange views and information on educational policy
(negotiable items, teachers' right to strike, negotiation impasse procedures)	a. 3-6 b. 1-8 c. 2-7		1-8		a. 2-7 b. 2-6

NEGOTIATION IMPASSE PROCEDURES	GRIEVANCE PROCEDURES	UNFAIR PRACTICES, PENALTIES	STRIKE PROVISION	DEADLINE DATES FOR REACHING AGREEMENT	FINAL FORM	DATES OF ENACTMENT & (AMENDMENT), MISCELLANEOUS
Mediation by mutual agreement, nonbinding recommendations	No specific provisions	No interference with exercise of rights granted to employee by statute	Prohibited. Loss of dues check off and exclusivity rights	None specified	Written contract	1968 Maryland New Section 175, Art. 77, Annotated Code
5-1	3-3	a. Definition of unfair practice: 3-3 b. Penalty: 4-2	4-2	Definition of timetable: 4-2	6-0	
Fact finding with nonbinding recommendations	No specific provisions, but state board of Conciliation and Arbitration available	Prohibited practices listed	Prohibited. No penalties specified	Relate meetings to budget making process. Invoke conciliation and arbitration if no agreement 60 days prior to final budget date	Written Contract	1965 (66, 67, 68) Massachusetts Gen. Laws Ann. Ch. 149, Sec. 178-G-N
4-1	5-0	a. 5-0 b. 4-1	2-3	1-4	5-0	
Mediation and fact finding; nonbinding recommendations via Labor Management Board	Labor Management Board to mediate grievances	Prohibited practices listed	Prohibited. No specific penalties	None specified	Written Contract	1965 Michigan Stat. Ann. Sec. 17:455. PA 379 (Supp. 1969)
4-1	3-2	a. 2-3 b. 2-3	3-2	2-3	4-1	
Ad hoc adjusted panels — formal hearings resulting in nonbinding recommendations	Individual teacher's right to express grievance to school board may not be limited	No interference with exercise of rights granted to employees by statute	No specific provision	None specified	Employer to implement agreements on economic aspects by resolution or directive	1967 Statutory obligation is to meet and confer. Minnesota Ann. Sec. 125.19-26 (Supp. 1969)
2-7	1-7	a. 1-8 b. 1-8	4-5	2-7	1-8	

STATES (with crucial areas as identified by respondents)	COVERAGE	NEGOTIATING UNIT	REPRESENTATION BY	ADMINISTRATION BY	LISTING OF NEGOTIABLE ITEMS OR MANAGEMENT RIGHTS
NEBRASKA [School Board has authority but is not required to deal with teacher organization representatives] (negotiable items)	Certificated employees in Class III, IV, V school districts	Not specified	Not specified	School board and State Court of Industrial Relations	Employment relations, mutually agreed to matters
	a. Establishment of unit: 6-1 b. Position of principal: 4-3 c. Determining bargaining agent: 6-1		5-2		a. Negotiable: 5-2 b. Non-negotiable (management rights): 5-1
NEVADA (negotiable items, teachers' right to strike)	Any employee of any political subdivision of state	Principals, assistant principals, or other administrators below assistant superintendent not to be in teacher unit unless school district employs fewer than five principals, otherwise they may form separate unit	Exclusive	Local government employee management relations board	Wages, hours, conditions of employment
	a. 4-1 b. 2-3 c. 5-0		4-1		a. 2-3 b. 4-1
NEW HAMPSHIRE [School board has authority but is not required to deal with teacher organization representatives] (negotiable items)	Towns may recognize unions and make and enter into collective bargaining contracts with such unions.				
	a. 0-4 b. 0-5 c. 1-4		1-4		a. 0-5 b. 1-4
NEW JERSEY (negotiable items)	All employees, state, county, municipal. Superintendents or other chief administrators are excluded	No unit may include supervisors and non-supervisors or both professionals and nonprofessionals unless majority of former vote for such inclusion	Exclusive	Public Employment Relations Commission	Grievances and terms and conditions of employment
	a. 3-3 b. 3-3 c. 6-0		6-0		a. 0-6 b. 0-6
NEW YORK (various)	Any person holding a position by employment or appointment with a unit of government	Community of interest. Decision by board	No specific provisions	Public Employment Relations Board	Terms and conditions of employment, grievance and impasse procedures
	a. 4-0 b. 3-1 c. 4-0		1-3		a. 1-3 b. 1-3

NEGOTIATION IMPASSE PROCEDURES	GRIEVANCE PROCEDURES	UNFAIR PRACTICES, PENALTIES	STRIKE PROVISION	DEADLINE DATES FOR REACHING AGREEMENT	FINAL FORM	DATES OF ENACTMENT & (AMENDMENT), MISCELLANEOUS
Fact finding and advisory recommendations	Public employer authorized to bargain	No provisions	No specific provisions	None specified	Written contract	1967 (69) Also negotiation law LB 15
6-1	6-1	a. Definition of unfair practice: 3-3 b. Penalty: 3-4	3-3	Definition of timetable: 5-2	[illegible]	
Mediation via Local Government Employee Management Relations Board after 45 days, fact finding after 75 days	Appeals and disputes may be made to Local Government Employee Management Relations Board	Employers may not discriminate because of membership or nonmembership in employee organizations	Prohibited. "No strike" pledges required for recognition. Penalties specified	120 days notice to negotiate prior to date fixed for budget completion	Not specified	1969. Negotiation sessions, informal discussions, impasse proceedings exempt from "open meeting" law. Nevada statutes, Ch. 650, SB 87
3-2	5-0	a. 3-2 b. 2-1	2-2	5-0	5-0	
(The 1969 law covering state employees is apparently not applicable to local teachers.)						Revised statutes annotated, 31.3
0-5	0-5	a. 0-5 b. 0-5	0-5	0-5	1-4	
Mediation and fact finding with nonbinding recommendations via Public Employment Relations Commission	Provisions should be part of the agreement. Grievances may be resolved by binding arbitration	None specified	No specific provision	None	Written contract	1968 New Jersey Statutes Ann. Sec. 34.13 A-1 to 11 (Supp. 1969)
6-0	5-1	a. 0-6 b. 3-3	2-4	0-6	5-1	
Parties to develop own procedures, may include binding arbitration. Mediation and fact finding available	Part of agreement	Prohibited practices listed	Prohibited. Penalties specified — "No strike" pledge required for recognition	Declare impasse 60 days prior to budget date	Written contract	1967 (69) N. Y. Civil Service Law Sec. 200-212 (McKinney Supp. 1969), as amended by Ch. 24.391,492 494. N.Y. Laws 40
2-1	1-2	a. 2-1 b. 2-1	2-1	2-1	3-0	

STATES (with crucial areas as identified by respondents)	COVERAGE	NEGOTIATING UNIT	REPRESENTATION BY	ADMINISTRATION BY	LISTING OF NEGOTIABLE ITEMS OR MANAGEMENT RIGHTS
NORTH DAKOTA	All classroom teachers and administrators employed by a public school system	Teachers and administrators may not be in the same unit. Employer determines appropriate unit	Exclusive	Education Fact Finding Commission	Terms and conditions of employer-employee relations, salaries, hours and other terms and conditions of employment
(negotiation impasse procedures)	a. Establishment of unit: 6-0 b. Position of principal: 6-0 c. Determining bargaining agent: 6-0		6-0		a. Negotiable: 6-0 b. Non-negotiable (management rights): 4-2
OREGON	C[illegible]ificated public school employees below rank of superintendent	All employees unless majority of administrators or teachers vote for separate units	Exclusive	No specific provisions	Salaries and related economic policies affecting professional services
(role and position of principal, negotiable items)	a. 6-1 b. 3-4 c. 7-0		7-0		a. 5-2 b. 5-2
PENNSYLVANIA	Public employees except elected and governor appointed, and management level employees	Appropriate unit, disputes to be settled by Public Labor Relations Board	Exclusive	Pennsylvania Labor Relations Board	Wages, hours and other terms and conditions of employment, managerial matters defined and excluded
(negotiable items, need for new state administrative agency)	a. 7-0 b. 5-2 c. 7-0		7-0		a. 1-6 b. 1-6
RHODE ISLAND	Certified teachers employed in any public school system, except superintendents, assistant superintendents, principals and assistant principals	All covered employees	Exclusive	State Labor Relations Board	Hours, salaries, working conditions, and all other terms and conditions of professional employment
(teachers' right to strike)	a. 6-1 b. 6-0 c. 7-0		7-0		a. 4-3 b. 2-3

NEGOTIATION IMPASSE PROCEDURES	GRIEVANCE PROCEDURES	UNFAIR PRACTICES, PENALTIES	STRIKE PROVISION	DEADLINE DATES FOR REACHING AGREEMENT	FINAL FORM	DATES OF ENACTMENT & (AMENDMENT), MISCELLANEOUS
Ad hoc mediation, fact finding with non-binding recommendations via Education Fact Finding Commission. Parties may agree to their own procedures 6-0	Board required to meet and negotiate any question arising out of the interpretation of an existing agreement 5-1	Employers may not discriminate against employees because of exercise of rights granted by statute a. Definition of unfair practice: 3-2 b. Penalty: 2-3	Prohibited. Denial of wages during strike 5-1	None Definition of timetable: 4-2	Written contract 6-0	1969 Provision for binding arbitration may be included in agreement. N.D. Century Code Sec. 15-38, 1.01 to -15
Ad hoc panel makes non-binding recommendations; consultants 5-2	Consultants available 3-4	No specific provisions a. 5-2 b. 4-3	No specific provisions 4-2	None 5-2	No specific provision 5-2	1965 (69) Statutory obligation is to "consult, confer, and discuss." Oregon Rev. Statute 342.450-470, amending 342.450, 460,470
Mutual voluntary binding arbitration permitted. Mediation and fact finding mandatory according to fix "budget submission date" timetable 5-2	Arbitration mandatory. Procedures may be included in agreement 6-1	Prohibited. Apply particularly to bargaining procedures a. 6-1 b. 6-1	Prohibited during pendency of bargaining procedures, permitted after procedures utilized and exhausted unless "clear and present danger" 5-2	Impasse procedures. Fix to "budget submission date" 6-1	Written contract 6-1	1970 No. 195, SB 1333
Mediation if requested within 30 days of start of negotiations. Ad hoc panel binding on all non-money matters 2-5	Not specifically mentioned 6-1	Prohibited practices listed a. 5-2 b. 3-4	Statute not to be construed as granting teachers right to strike. No specific penalties 3-4	120 days' notice to negotiate prior to last date for appropriating money 5-2	Written contract not to exceed three years 7-0	1966 Rhode Island Gen. Laws, Sec. 28.9.3, amending Title 28 (1969)

STATES (with crucial areas as identified by respondents)	COVERAGE	NEGOTIATING UNIT	REPRESENTATION BY	ADMINISTRATION BY	LISTING OF NEGOTIABLE ITEMS OR MANAGEMENT RIGHTS
SOUTH DAKOTA	Any person holding a position by appointment or employed with state public service	Disputes over unit to be resolved by Labor Commissioner	Formal or informal	Labor Commissioner for unit structure and recognition only	Grievances and conditions of employment
(negotiation impasse procedures)	a. Establishment of unit: 3-1 b. Position of principal: 2-2 c. Determining bargaining agent: 3-1		3-1		a. Negotiable: 3-1 b. Non-negotiable (management rights): 3-1
TEXAS [School board has authority but is not required to deal with teacher organization representatives] (none identified)	The Boards of Trustees of each independent school district, rural high school district and common school district, and their administrative personnel may consult with teachers with respect to matters of educational policy and conditions of employment, and to adopt and make reasonable rules, regulations and agreements to provide for such consultation.				
	a. 2-2 b. 2-2 c. 2-2		2-2		a. 2-2 b. 2-2
VERMONT	All employees of schools which receive support from public funds who are certified as teachers or administrators	Separate units for teachers and administrators	Exclusive	No assigned agency. American Arbitration Association to assist	Salaries, related economic conditions of employment, procedures for processing complaints and grievances, any other mutually agreed upon item not in conflict with state law
(role and position of principal)	a. 4-0 b. 3-1 c. 4-0		3-0		a. 3-1 b. 1-3
WASHINGTON	All employees of a public system who hold a regular teaching certificate except chief administrative officers	All covered employees. Community college employees may organize separate unit	Exclusive	School District and State Superintendent of Public Instruction	Listed curriculum, textbooks, inservice training, student teaching, personnel, hiring and assignment practices, leaves of absence, salaries, non-instructional duties
(role and position of principal)	a. 6-3 b. 2-7 c. 7-2		9-0		a. 7-2 b. 4-5

NEGOTIATION IMPASSE PROCEDURES	GRIEVANCE PROCEDURES	UNFAIR PRACTICES, PENALTIES	STRIKE PROVISION	DEADLINE DATES FOR REACHING AGREEMENT	FINAL FORM	DATES OF ENACTMENT & (AMENDMENT), MISCELLANEOUS
Mutually agree to a procedure or either party may request intervention by Commissioner of Labor	Board to establish grievance procedures; binding decisions by Commissioner if no local solution	Pronibited practices listed	Prohibited. Penalties specified	None	Employer to implement by ordinance or resolution or memorandum of understanding	1969 (70) Statutory obligation is to "meet with, negotiate and otherwise communicate." S.D. Laws Ch. 88
2-2	3-1	a. Definition of unfair practice: 2-2 b. Penalty: 2-1	3-1	Definition of timetable: 1-3	3-1	
Vernon's Texas Civil Statutes provide that it is against public policy for state officials or officials of its political subdivisions to enter into collective bargaining agreements with a labor organization as a bargaining agent; public employees may present grievances through a representative who does not claim the right to strike; and no person shall be denied public employment because of membership in a union.						1967 Annotated Title 49, Ch. 22, Art. 2781a
3-1	3-1	a. 2-2 b. 2-2	2-2	3-1	3-1	
Mediation, fact finding by ad hoc panel, non-binding recommendations	Should be part of agreement	No interference with or discrimination in any way because of exercise of rights granted to employee by statute	Injunction if action in question poses a clear and present danger to sound program of school education	Notice to negotiate required 120 days prior to school district's annual meeting	Written contract	1969 Vermont Statute Annotated Title 16, Sec. 1981-2010, No. 127 of ACTS of 1969
4-0	1-3	a. 0-4 b. 0-4	2-2	3-1	3-1	
Ad hoc committee appointed by State Superintendent to make non-binding recommendations	No specific provisions	Employer may not discriminate because of exercise of rights granted to employees by statute	No specific provisions	None	No specific provisions	1965 Washington Rev. Code, Ann., Sec. 28.72.010-090 (Supp. 1969)
2-7	6-3	a. 3-6 b. 4-5	4-5	7-2	3-6	

STATES (with crucial areas as identified by respondents)	COVERAGE	NEGOTIATING UNIT	REPRESENTATION BY	ADMINISTRATION BY	LISTING OF NEGOTIABLE ITEMS OR MANAGEMENT RIGHTS
WISCONSIN	Any employee of a political subdivision of state except city and village policemen, sheriff's deputies and county traffic officers	All employees of one employer except those employed in an executive or supervisory capacity	Exclusive	Wisconsin Employment Relations Commission	Wages, hours and conditions of employment
(teachers' right to strike)	a. Establishment of unit: 7-1 b. Position of principal: 5-3 c. Determining bargaining agent: 8-0		7-1		a. Negotiable: 7-1 b. Non-negotiable (management rights): 7-1

NEGOTIATION IMPASSE PROCEDURES	GRIEVANCE PROCEDURES	UNFAIR PRACTICES, PENALTIES	STRIKE PROVISION	DEADLINE DATES FOR REACHING AGREEMENT	FINAL FORM	DATES OF ENACTMENT & (AMENDMENT), MISCELLANEOUS
Mediation: fact finding with non-binding recommendations via Wisconsin Employee Relations Board	No specific provisions	Provisions for dealing with via Wisconsin Employee Relations Board	Prohibited. No specific penalties	None	Written ordinance resolution or agreement not to exceed one year	1959 (63,65,67) Wisconsin State Ann. 111.70 (Supp. 1969)
4-4	8-0	a. Definition of unfair practice: 8-0 b. Penalty: 6-1	2-6	Definition of timetable: 4-4	6-2	

21

TABLE II

CRUCIAL AREAS OF TEACHER/SCHOOL BOARD COLLECTIVE NEGOTIATIONS AS RANKED BY THE NINE GROUPS OF RESPONDENTS

	Chief State School Officer		Exec. Sec. NEA affiliate		President NEA affiliate		Exec. Sec. AFT Affiliate		President AFT affiliate		Exec. Sec. Sch. Bd. Assn.		Chairman House Ed. Comm.		Chairman Senate Ed. Comm.		Chairman St. Bd. of Ed.	
	1	NR	1	NR	1	NR	1	NR	1	NR	1	NR	1	NR	1	NR	1	NR
1. Role and position of the school principal	5	11	5	17	3	16	1	8	1	9	4	13	0	11	2	8	4	10
2. Listing of negotiable items	3	9	6	16	3	12	1	7	2	5	11	6	5	7	1	7	2	10
3. Establishing a set of negotiations deadline dates	2	20	0	23	0	18	1	5	1	7	1	17	1	12	0	11	0	16
4. Teachers' right to strike	0[a]	17	8	11	9	8	4	4	4	2	0[b]	16	4	10	1	9	2	13
5. Recognition of teachers as a professional group	2	21	0	19	0	18	0	8	0	9	0	23	1	15	1	10	1	17
6. Negotiation impasse procedures	6	11	2	16	1	12	0[c]	4	0	5	2	10	1	10	0	9	4	11
7. Definition of unfair practices	0	15	1	19	0	13	0	8	0	9	0	19	1	11	0	9	0	15
8. Establish a new state agency to administer legislation	1	20	1	16	0	16	0	8	0	10	0	21	0	15	0	11	0	16
9. Other	2	21	2	17	3	15	1	6	2	6	4	18	2	12	2	9	2	14
No response	2		0		1		1		0		1		1		4		1	
Number of Respondents	23		25		20		9		10		23		16		11		16	

a. Ranked second twice
b. Ranked second three times
c. Ranked second four times

1. Number of times ranked first
NR. Number of times not ranked 1, 2, or 3.

TABLE III

OPINION CONCERNING A LIMITED NUMBER OF TEACHER/SCHOOL BOARD COLLECTIVE NEGOTIATIONS ISSUES, NOT RESTRICTED TO THE CURRENT LEGISLATION OF INDIVIDUAL STATES

	Chief State School Officer (23)		Ex. Sec. NEA affiliate (25)		President NEA affiliate (20)		Ex. Sec. AFT affiliate (9)		President AFT affiliate (10)		Executive Sec. Sch. Bd. Assn. (23)		Chairman House Ed. Comm. (16)		Chairman Senate Ed. Comm. (11)		Chairman St. Bd. of Ed. (17)	
	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N	Y	N
1. Can an identification of negotiable items be satisfactorily legislated for?	9	12	10	15	10	9	4	5	5	5	17	5	9	5	3	5	10	6
2. Must the identification of negotiable items be left to local teacher/school board agreement?	14	7	16	9	7	10	6	1	7	3	5	17	5	9	5	3	9	7
3. Is there a third alternative for deciding what is negotiable?	10	8	5	12	10	5	2	4	3	4	8	14	3	2	2	2	6	7
4. Should teachers be included in legislation for public employees in general?	14	9	7	17	6	13	8	0	9	0	8	14	6	10	2	7	8	10
5. Should legislation be designed specifically and exclusively for teachers?	14	9	17	5	15	2	1	7	1	8	13	8	9	6	7	3	13	4
6. Should a new state agency be created to administer the legislation?	9	14	15	9	10	8	3	5	5	5	8	14	5	8	0	9	8	10
7. Should the legislation be administered by some existing agency?	12	9	8	16	8	10	6	1	7	1	12	10	8	6	5	4	10	7
8. Is there currently a need for a federal minimum standard bargaining law for teachers?	5	15	21	4	15	4	3	4	6	3	1	19	2	12	0	9	5	12
9. Is arbitration necessary in the case of negotiation impasse?	18	5	15	10	13	6	6	3	3	5	10	12	9	5	6	4	15	3
10. Is arbitration necessary in the case of grievance procedures?	15	7	21	3	17	2	9	0	9	0	13	9	9	5	2	5	12	5
11. If yes to 9, should arbitration be binding?	7	11	5	10	8	4	5	1	3	0	1	9	6	3	5	1	8	5
12. If yes to 10, should arbitration be binding?	13	2	21	0	17	0	9	0	9	0	7	5	5	4	2	0	9	3

a. In all cases the difference between the sums of the "Yes" and "No" responses and the total respondents is accounted for by "no response" to that particular question.

OPINIONNAIRE

STATUTORY PROVISIONS FOR COLLECTIVE NEGOTIATIONS

FOR EACH OF THE QUESTIONS IN PART ONE YOU ARE ASKED TO EXPRESS YOUR OPINION PURELY WITH REGARD TO THE EXISTING LEGISLATION OF YOUR OWN STATE.

I. **Is the current legislation of your state adequate (in the sense of being workable, efficient, producing satisfactory results) with respect to each of the following (please check yes or no):**

	Yes	No
a. Provision for the establishment of an appropriate teacher bargaining unit If no, suggested remediation: _____	____	____
b. Defining the position of the school principal in collective negotiations If no, suggested remediation: _____	____	____
c. The method of determining th[e] bargaining agent If no, suggested remediation: _____	____	____
d. The type of representation: i.e., exclusive, proportional If no, suggested remediation: _____	____	____
e. The identification and listing of negotiable items: i.e., definition of proper/improper subjects If no, suggested remediation: _____	____	____
f. The identification and listing of non-negotiable items: i.e., subjects reserved as management rights If no, suggested remediation: _____	____	____
g. A defined timetab[le] for the presentation and resolution of teacher and school board demands If no, suggested remediation: _____	____	____
h. Negotiation impasse procedures: i.e., provisions for resolving disputes over contract items If no, suggested remediation: _____	____	____
i. Grievance procedures: i.e., provisions for resolving disputes arising over the interpretation or application of the agreement If no, suggested remediation _____	____	____
j. Final form of the agreement: i.e., reduced to writing If no, suggested remediation: _____	____	____
k. Defining unfair practices If no, suggested remediation: _____	____	____
l. Procedures for declaring and penalizing unfair practices If no, suggested remediation: _____	____	____
m. Strike provisions If no, suggested remediation: _____	____	____

II. **Please indicate below the three areas of teacher/school board collective negotiations which you consider to be currently the cause of greatest concern (or difficulty) in your state. Use the numbers 1, 2, 3: the number 1 to indicate the most crucial and 3 the least crucial of the three areas you identify.**

a. _____ Role and position of the school principal
b. _____ Listing of negotiable items
c. _____ The establishment of a set of negotiations deadline dates
d. _____ Teachers' right to strike
e. _____ The recognition of teachers as a professional group distinct from the general body of public employees and therefore requiring their own unique legislation
f. _____ Negotiation impasse procedures: i.e., provision for mediation, fact-finding, arbitration
g. _____ The defining of what constitutes "unfair practices"
h. _____ The establishing of a new state agency to administer the legislation
i. _____ Other(s) Please specify: _____

III. **The following questions are not restricted to a consideration of your own state's legislation. You are asked to express the opinion you currently hold.**

	Yes	No
a. Can an identification of negotiable items be satisfactorily legislated for?	____	____
b. Must the identification of negotiable items be left to local teacher/school board agreement?	____	____
c. Is there a third alternative for deciding what is negotiable?	____	____
d. If yes to c., please specify your alternative _____		
e. Should teachers be included in legislation for public employees in general?	____	____
f. Should legislation be designed specifically and exclusively for teachers?	____	____
g. Should a new state agency be created to administer the legislation?	____	____
h. Should the legislation be administered by some existing agency?	____	____
i. If yes to h., name the agency: _____		
j. Is there currently a need for a federal minimum standard bargaining law for teachers?	____	____
k. Is arbitration necessary in the case of (i) negotiation impasse?	____	____
(ii) grievance procedures?	____	____
l. If yes to k. (i), should the arbitration be binding?	____	____
m. If yes to k. (ii), should the arbitration be binding?	____	____